

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
September 11, 2002

ITEM: 11

SUBJECT: AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (9) TO INCORPORATE A WASTE DISCHARGE REQUIREMENT WAIVER POLICY FOR CERTAIN SPECIFIC TYPES OF DISCHARGES (TENTATIVE RESOLUTION NO. R9-2002-0186). (*Christina Arias*)

PURPOSE: To adopt Tentative Resolution No. R9-2002-0186 amending the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan) to modify and reissue the Regional Board's Waiver Policy.

PUBLIC NOTICE: A public workshop/CEQA scoping meeting on the proposed Basin Plan amendment was noticed on April 30, 2002 and conducted by the Regional Board on May 20, 2002.

A Public Hearing notice and CEQA Notice of Filing was published in the Orange County Register and Riverside Press Enterprise on July 27, 2002, and the San Diego Union Tribune on July 28, 2002. These notices, as well as copies of the proposed Basin Plan amendment, staff report, and CEQA checklist, were also mailed to interested persons on July 26, 2002. These items were available for public review at the Regional Board office on July 26, 2002 and made available on the Regional Board website.

These actions serve as the 45 day official public notification of this action, as required by Title 40, Section 25.5 of the Code of Federal Regulations (40 CFR 25.5) and CEQA regulations (23 California Code of Regulations Section 3777).

DISCUSSION: Section 13263(a) of the California Water Code requires that each California Regional Water Quality Control Board prescribe requirements for any existing or proposed waste discharges within its area of jurisdiction. However, Section 13269 of the California Water Code gives regional boards the authority to conditionally waive adoption of waste discharge requirements (WDRs) for specific discharges and specific types of discharges where such waivers are not against the public interest.

On July 18, 1983, the California Regional Water Quality Control Board, San Diego Region (Regional Board) adopted Resolution No. 83-21, A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for Certain Specific Types of Discharges. This initiated the Regional Board's Waiver Policy and established types of discharges to be included in the Policy, which is described in Chapter 4 of the Basin Plan. Table 4-4 describes several different types of discharges that, when conditions are met, are waived from the need for waste discharge requirements. Since the Waiver Policy was first established, it has been amended several times to include additional types of discharges. Discharge types added to the original list include: temporary discharge of specified contaminated soils, disposal/reuse of dredge spoils in industrial or commercial applications, disposal/reuse of fuel contaminated soils, green waste composting facilities, incidental discharges within a response area during a spill response, and permanent reclaimed water projects.

On October 10, 1999, Senate Bill 390 (Alpert) was signed into law. This resulted in amendments to Water Code Section 13269. As a result of these amendments, all of the Regional Board's current waivers will expire on January 1, 2003 absent Board action to renew them. Effective January 1, 2003, each regional board is required to:

- Review the terms, conditions and effectiveness of each type of waiver included in their waiver policies;
- Renew waiver policies and all waivers for specific discharges by January 1, 2003 (failure to renew a waiver automatically results in termination);
- Determine if general or individual waste discharge requirements should be issued for ongoing discharges where waivers have been terminated;
- Establish waiver conditions;
- Enforce waiver conditions; and,
- Renew waivers every five years.

Pursuant to the changes made in Section 13269 of the California Water Code, the current Waiver Policy and types of discharges (waivers) included in the Policy have been reviewed. The result is Resolution No. 2002-0186, which would reissue the Regional Board's Waiver Policy. It is recommended that most of the current waivers included in the Waiver Policy remain in effect as written. However, some changes from the original list are proposed. These changes are evident in the draft Basin Plan amendment. The supporting rationale is provided in the staff report (Attachment 3).

Written comments were submitted by Rancho California Water District, San Diego Gas & Electric, and the Farm Bureau of San Diego County (Attachment 4). Regional Board responses to comments are included (Attachment 5).

The Regional Board is the California Environmental Quality Act (CEQA) Lead Agency for this project. The basin planning process is certified by the Secretary for Resources as being exempt from the CEQA requirement for preparation of an Environmental Impact Report (EIR) or negative declaration and initial study pursuant to Section 21080.5 of the Public Resources Code. Based upon this certification, the Basin Plan amendment, as well as the staff report, environmental checklist, and backup materials, serve as a "functional equivalent" to an EIR, negative declaration and initial study.

LEGAL CONCERNS: None.

SUPPORTING  
DOCUMENTS:

Attachment 1. Notice of Public Workshop  
Attachment 2. Notice of Public Hearing and  
CEQA Notice of Filing  
Attachment 3. Staff Report (including CEQA Checklist)  
Attachment 3 a) Errata Sheet to Staff Report  
Attachment 4. Written comments submitted by the public:  
a) Rancho California Water District  
b) San Diego Gas & Electric Company  
c) Farm Bureau of San Diego County  
Attachment 5. Responses to comments

RECOMMENDATION(S): Adopt Tentative Resolution Resolution No. R9-2002-0186